



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**December 12, 2005**

**SUBJECT:**           **2005-0506 - Albert Mangini II** [Applicant/Owner]:  
Application on a 10,881 square-foot site for related proposals  
located at **832 Maria Lane** (near E El Camino Real) in an R-  
3 (Medium-Density Residential) Zoning District;

Introduction of       **Rezone** from R-3 (Medium-Density Residential) to R-3/PD  
an Ordinance       (Medium-Density Residential /Planned Development) Zoning  
District,

Motion               **Special Development Permit** for the construction of four  
townhomes,

Motion               **Tentative Map** to subdivide one lot into four individual lots  
and one common lot

**REPORT IN BRIEF**

**Existing Site**                   Single Family Home  
**Conditions**

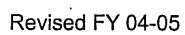
**Surrounding Land Uses**

North	Apartments and Townhomes
South	Retail Commercial/Auto Repair
East	Townhomes
West	Hotel

**Issues**                           Design Compatibility

**Environmental Status**   A Negative Declaration has been prepared in  
compliance with California Environmental Quality  
Act provisions and City Guidelines.

**Staff**                           Approve with conditions  
**Recommendation**



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Medium Density	Same	Medium Density
<b>Zoning District</b>	R-3	R-3/PD	R-3/PD
★ <b>Lot Size</b>	10,823	10,751 Ind. lot 1,383-1,313	8,000 s.f.
<b>Gross Floor Area (s.f.)</b>	1,640	10,181	NA
<b>Lot Coverage (%)</b>	15.1	34	40 max.
<b>Floor Area Ratio (FAR) %</b>	15.1	94.6	NA
<b>No. of Units</b>	1	4	5 max.
<b>Below Market Rate Units</b>	0	0	12.5%; minimum 9 units
<b>Density (units/acre)</b>	4	16.2	24 max.
<b>Meets 75% min?</b>	NA	68	75 min.
<b>Bedrooms/Unit</b>	3	3	---
<b>Unit Sizes (s.f.)</b>	1,640	Gross 2,521-2618 Avg livable 1,857	N/A
<b>Lockable Storage/Unit</b>	NA	670 (within garage)	300 cu. ft. min.
<b>No. of Buildings On- Site</b>	1	1	---
★ <b>Building Height (ft.)</b>	25	32	30 max.
<b>No. of Stories</b>	1	2.5	2 max.
<b>Setbacks (Facing Property)</b>			
★ <b>Front</b>	25	17	20 min
<b>Left Side</b>	11	22	7 min.
<b>Right Side</b>	6	13	11 min.
<b>Rear</b>	32	20	20 min.
<b>Landscaping (sq. ft.)</b>			
<b>Total Landscaping</b>	NA	3,331	2,160 min.
<b>Landscaping/Unit</b>	NA	832	425 min.
<b>Usable Open Space/Unit</b>	NA	555	400 min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
Frontage Width (ft.)	25	17	15 min.
<b>Parking</b>			
Total Spaces	4	10	10 min.
Standard Spaces	4	10	18 min.
Compact Spaces/ % of Total	NA	none	10 max.
Accessible Spaces	NA	0	1 min. (first space designed as 13 feet wide with no markings)
Covered Spaces	2	8	4 min.
Aisle Width (ft.)		24	24 min.
Bicycle Parking		within garages	PER SDP
<b>Stormwater</b>			
Impervious Surface Area (s.f.)	1900 est.	7,492	Group 2 Project > 10,000
Impervious Surface (%)	17.5% est.	69%	NA



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

### **Description of Proposed Project**

The applicant has requested a Planned Development Combining District zone change for a 0.25-acre parcel for the purpose of redeveloping the property to four townhome style ownership housing units. In conjunction with the combining district rezone request, the application includes a Special Development Permit for the design of the housing units and a tentative map for the purpose of subdividing the property into individual ownership opportunity housing units. The application for a Planned Development rezone does not increase the allowable density of the site.

### **Background**

There are no previous land use actions associated with the site. The existing home was constructed in 1956 and is not listed as a heritage resource.

**Environmental Review**

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment C, Initial Study).

**Rezoning**

**Discussion of Rezoning:** The applicant is requesting a Planned Development Combining District (PD) in conjunction with the existing R-3 zoning for the site. The request does not change the permitted density of the site but instead is a common tool utilized throughout Sunnyvale for the development of infill and small lot development projects. PD is intended to allow for flexibility in meeting the City's development standards and in some instances to place stricter controls on new development. With a PD the applicant may propose deviations to the zoning standards through the requested Special Development Permit. The most common deviation proposed in the PD is minimum lot size for the purpose of creating individual ownership units. Such is the case with the subject application.

Sunnyvale 1998 Guidelines for PD Zoning

- *To facilitate development or redevelopment of a site to improve the neighborhood.* (The PD facilitates the development of ownership units on substandard lots while staying within required density ranges)
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project.* (The re-development pattern for the neighborhood is similar with primarily ownership townhome development.)
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district.* (provides fee simple townhome lots accessed by a common private drive)

**Special Development Permit**

**Site Layout:** The project includes a four unit attached housing building oriented perpendicular to Maria Lane. The vehicular access to the units is via a private drive along the east property line. Pedestrian access to the units is provided along the same private drive. The end unit near Maria Lane has its pedestrian access oriented to Maria Lane rather than the private street. The guest parking for the project is located at the rear of the site to improve the landscaping and streetscape of the project. Existing mature landscaping is primarily situated on the west and southwest property lines. Each of the units has a private rear yard area between the building and the west property line. The private yards are approximately 15 feet in depth and extend the width of the units for an average of nearly 400 square feet per unit.

The site currently is bordered by commercial uses to the south and to the west. However, existing mature landscaping and solid walls provide sufficient separation and buffering from these adjoining uses to mitigate normal conflicts of residential and commercial uses. The property to the east is developed as duet housing that have their backyards located along the common boundary of the subject site. The proposed design has provided a separation from the existing development on the east property by placing the new development towards the west side of the subject site. A fence with new landscaping along the private drive is proposed as part of the design to address issues of compatibility.

The applicant has requested a deviation to the front yard setback requirement of 20 feet. The average setback is proposed at approximately 17.5 feet for the site with a minimum of 17 feet. The setback deviation is proposed by the applicant due to the applicant's efforts to maintain wide floor plans while providing for the guest parking in the rear of the site rather than along Maria Lane as originally designed. The applicant has also requested the 2.5 foot deviation due to similar setbacks of neighboring development and due to the curvilinear nature of Maria Lane. Staff is supportive of the deviation request due to the desire to have the parking located at the back of the site and compatibility with neighboring developments in terms of architecture and site layout. However, reducing the width of each unit by 2 feet from a typical of 27.5 feet to 25.5 feet would provide setback compliance of 20 feet average as well as widen the guest parking area. If such a change in unit width is required, it would reduce each townhome's gross floor area by approximately 150 square feet.

*Easements and Undergrounding:* Maria Lane is not improved to City standard specifications along the frontage of this site. As a result, the applicant is required to dedicate one-foot of land for right-of-way to allow for frontage improvements of sidewalks and curb and gutters. The tentative map offers the one-foot dedication and conditions of approval require the frontage improvements. A Public Utility Easement will be provided along the frontage of the site and private utility and common ingress and egress easements will be recorded over the private drive.

The following Guidelines were considered in analysis of the project site design.

Citywide Design Guideline	Comments
<i>B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency.</i>	<p>The design is oriented with the end unit having a presence towards Maria Lane thereby contributing to the streetscape. The design also allows for preservation of mature trees along the west boundary while providing private usable yards for the residents. Guest parking is located out of sight from the street. Trash and recycling containers will be kept in the garages requiring the owners to bring their containers to Maria Lane and lined along the street on pick-up days.</p>
	<p>No exclusive sidewalks are provided along the private street or on the west side of the project. Pedestrian access is mixed with vehicular access of the private street. Shared access is appropriate due to minimum number of potential conflicts because of the low number of units on the site.</p>

### Architecture:

The applicant has worked with staff to redesign the project to place an emphasis on creating an appropriate streetscape of landscaping along with the orientation of the end unit's entry towards the public street. The applicant has situated the front entry to have a direct walk up to the unit from Maria Lane. Architecturally the applicant has included variable elements of height and wall planes for the front unit. The applicant has articulated the doorway with a change of materials from the base stucco treatment of the main facade to horizontal siding and stone wainscoting utilizing a gabled entry with extended exposed rafters. To tie the entryway and second level popout design together, the design includes a combination of gable over the second-story popout with two gable-on-hip roof features for the center peak of the façade and over the second story balcony. This gable-on-hip treatment ties all of the elements together on the façade while providing a transition to a gabled roof for the main building and as a technique to reduce the apparent height of the structure. Staff also believes the wall articulation at the corners of the building with the mid-level roof overhang on the Maria façade reduces the potential for a top-heavy appearance of building that uses upper level popouts and cantilevered floors to increase floor area.

For the sides of the building the horizontal hardiplank and stone veneer from the front entry are carried along the driveway side of the building creating a distinguished base, middle, and top to the building. The project design is proposed as a cohesive single building design rather than an attempt to provide individual unit features. The Planning Commission commented at the Study

Session that individual door types may be a desirable feature for the plan to distinguish the units. The applicant has not modified the plans at this time.

The design proposes one deviation related to architecture requesting a deviation to the height limit of 30 feet with a proposed height of approximately 32 feet. The design incorporates a modest roof pitch of 4 and 12 to provide some roof character while minimizing the height. Although the townhome functions as a split-level 2.5 story home the visual appearance from Maria Lane was designed to disguise the internal use as a tall two story structure. Staff supports the requested deviation as being compatible with the neighborhood in attempting to design a two-story townhome fitting the zoning standard and that it is similar in height to neighboring development and well below the height of the abutting 3-story hotel to the west.

The design of the units has wide floor plan to accommodate a standard 2-car garage and lockable storage with the entrance to the home located next to the garage. Many recent townhome designs have placed the entry on the opposite side of the garage allowing for narrower units, which does not allow for private yards that are included in this design. The typical width for this design is proposed at 27.5 feet with the Maria Lane end unit at 29 feet. The depth of the townhomes is approximately 34 feet. The gross floor area of the typical unit is 2,521 square feet including the storage and covered balcony areas with 1,857 square feet of livable space. All four units are three bedrooms.

The following Guidelines were considered in the analysis of the project architecture.

Citywide Design Guideline	Comments
<i>B1. Break up large buildings into groups of smaller segments whenever possible to appear smaller in mass and bulk.</i>	The applicant has designed a front façade that addresses the street and provides a high degree of interest through a variety of materials as well as changes in height and wall planes. Due to the building forms the apparent height of the structure is minimized.
<i>C1.2.2 Encourage development of diversified building forms and intensities.</i>	Although the project utilizes a variety of materials and features the same design concept is carried throughout the design for the front and east façades providing high level of detailing and continuity to the design. The design variety for this project is compatible with other recent townhome designs in the general area but at the same time is distinctive.

**Landscaping:**

The site currently has five existing trees of which two are considered protected trees. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet above the ground. The plans for this project include preserving the southwestern protected tree and removing the other trees due to building and driveway locations. Potentially, the evergreen tree located at the northwest corner of the site near the street will be required to be removed for the required frontage street improvements. Abutting the site on the hotel property to the west are additional mature trees, the current layout with private yards on the west side ensures the trees have space to thrive. Tree protection measures during construction are required for both the onsite protected trees and trees located immediately along common property lines. Replacement tree species have not been proposed with the project plan and will require review by staff as a condition of approval.

The applicant has provided ample landscaping exceeding the city's 20% of land area requirement by providing 31% of the site as landscaping. The landscaping consists of a frontage strip along Maria, each unit includes a private landscaped rear yard, a common landscaped square in the southwest corner of the site, and a landscape strip with tree wells along the private drive.

The following Guidelines were considered in analysis of the project landscaping.

<b>Citywide Design Guideline</b>	<b>Comments</b>
<i>A4 Properly landscape all areas not covered by structures, driveways and parking.</i>	Proposed landscaping provides a buffer to adjacent uses, open usable space, and turf area as a non-mandatory stormwater BMP.
<i>A2 Preserve and incorporate existing natural features, particularly trees, on a site into the landscape design of projects.</i>	The applicant has retained a significant sized tree in the southwest corner.

**Parking/Circulation:**

The project is required to improve the Maria Lane frontage to city standards, including a sidewalk. Vehicular access is provided by a private drive perpendicular to Maria Lane. Pedestrian access is provided within the same private drive for three of the units with the end Maria unit having exclusive walkway access to the street. Staff supports this design that does not have an exclusive walkway for pedestrians due to the short length of the drive and small number of vehicular trips generated by the four-townhome units. The potential for vehicular and pedestrian conflicts is minimal for this site.

Two guest parking spaces are located at the rear of the site. A condition of approval is included to widen the guest parking spaces. The proposed width

does not meet building code ADA requirements for guest parking spaces. The requirement includes providing the first space as a wider space as a loading area for the vehicle. Although space is required to be 13 feet wide, it will not be designated or signed as exclusive use for accessible parking. To reconfigure the area the applicant will need to provide one space at 8.5 feet of width and a second space at 13 feet to provide a 9-foot parking area and a 4-foot loading area. The ramifications of this change may require the applicant to not only reduce adjacent landscaping but also reduce the width of the housing units to provide functional parking spaces. Staff does not support increasing the front yard deviation to allow more room in the rear for the parking spaces. Staff has also included a condition requiring a bumpout of the private drive at the rear property line to enhance the ability of vehicles to exit the parking spaces.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>Citywide Design Guideline</b>	<b>Comments</b>
<i>B1. Locate site components such as structures, parking, driveways, walkways, landscaping and open spaces to maximize visual appeal and functional efficiency</i>	The guest parking is provided at the end of the private drive, discretely hidden from view from the street and appropriately located for guests of the homeowners.

**Compliance with Development Standards/Guidelines:** The project has proposed deviations related to minimum lot area and dimensions for the purpose of creating fee simple townhome ownership opportunities. The applicant has also requested a deviation of an overall height of 32 feet where 30 is permitted and a front yard setback of 17 where 20 is required. Staff supports the proposed deviations due to the site design considerations and the ability to provide ownership units with private rear yards that are not held in common.

**Expected Impact on the Surroundings:** The commercial sites to the south and west will not be impacted by the development due to the configuration of the units and existing landscaping and wall separations. Nor will impacts from the commercial development likely disrupt the residents of the proposed development due to the same mature landscaping and solid masonry walls along the common boundaries. The residential development to the east of the site is similar in height and layout to that of the proposed development. The rear and side yards of the existing duets is located along the common eastern property line where a six foot fence and landscaping is proposed to buffer the uses.

### **Tentative Map**

The project includes the creation of four individual lots and one common lot. Appropriate access and utility easements are included in the design to serve

the site. The city has required a one-foot dedication to provide standard street specification improvements for the Maria Lane frontage.

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**Fiscal Impact**

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The proposed project is subject to park dedication in-lieu fee-requirements which equal \$29,403 and an estimated citywide transportation impact fee of \$2,627.13. Payment of the park dedication in lieu fee is required prior to approval of the final map. Payment of the transportation impact fee may be offered at anytime prior to the issuance of building permits and is subject to the fee in place at the time payment is offered. At a minimum, payment must be received prior to the issuance of building permits for the new construction.

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**Public Contact**

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Public Notice	Staff Report	Agenda
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>130 notices mailed to the property owners and residents within 300 ft. of the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

**Conditions of Approval:** Conditions of Approval are located in Attachment B.

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**Alternatives**

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1. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-3 to R-3/PD and approve the Special Development Permit and Tentative Map with attached conditions.
2. Alternative 1 with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone the site and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

**Recommendation**

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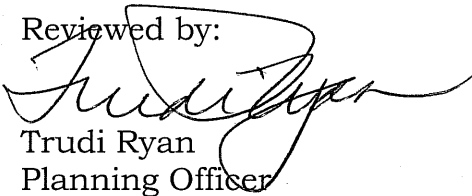
Recommend Alternative 1 to the City Council.

Prepared by:



Kelly Diekmann  
Project Planner

Reviewed by:



Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site and Architectural Plans

### **Recommended Findings - Special Development Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

The proposed project provides a net gain of three ownership housing opportunities and meets the design guidelines and intent of the zoning standards for providing quality architecture and appropriate site design features of landscaping and open space to the residents of the development.

#### *Land Use and Transportation Element*

Policy C2.2 Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

#### *Housing and Community Revitalization Sub-Element*

Policy C.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

**Goal D** Maintain diversity in tenure, type, size and location of housing to permit a range of individual choices for all current residents and those expected to become city residents.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties.

The proposed project will complement existing medium residential development in the area and is appropriately buffered from existing commercial development.

### **Recommended Findings - Tentative Map**

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In order to approve the Tentative Map, the proposed subdivision must be consistent with the general plan. Staff finds that the Tentative Map is in conformance with the General Plan. However, if any of the following findings can be made, the Tentative Map shall be denied. Staff was not able to make any of the following findings and **recommends approval of the Tentative Map.**

1. That the subdivision is not consistent with the General Plan.

2. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
3. That the site is not physically suitable for the proposed type of development.
4. That the site is not physically suitable for the proposed density of development.
5. That the design of the subdivision or proposed improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
6. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
8. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code

Staff was not able to make any of the findings (1-8), and recommends approval of the Tentative Map.

**Recommended Conditions of Approval - Special Development Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review and approval by the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Execute a Special Development Permit document prior to issuance of the building permit.
- B. The Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is approved prior to the expiration date.
- C. Reproduce the conditions of approval on the plans submitted for building permits.
- D. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at a public hearing before the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
- E. Specific deviations allowed with this Special Development Permit are as follows:
  - a. Minimum lot size and dimensions for the purpose of creating ownership housing.
  - b. Parcels without public street frontage
  - c. Maximum height of 32 feet as measured from top of curb of the public street.
  - d. Minimum Front Yard Setback of 17 feet
- F. An Impervious Surface Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.

**2. CC&R's (CONDITIONS, COVENANTS AND RESTRICTIONS)**

- A. Any proposed deeds, covenants, restrictions and by-laws relating to the subdivision are subject to review and approval by the Director of Community Development and the City Attorney.
- B. The developer/Owner shall create a Homeowner's Association that comports with the state law requirements for Common Interest Developments. Covenants, conditions and restrictions (CC&Rs) relating to the development are subject to approval by the City Attorney and Director of Community Development prior to approval of the Final Map. In addition to requirements as may be specified elsewhere, the CC&R's shall include the following provisions:
- C. Membership in and support of an association controlling and maintaining all common facilities shall be mandatory for all property owners within the development.
- D. The homeowners association shall obtain approval from the Director of Community Development prior to any modification of the CC&R's pertaining to or specifying the City.
- E. The developer shall maintain all utilities and landscaping for a period of three years following installation of such improvements or until the improvements are transferred to a homeowners association, following sale of at least 75% of the units in each individual phase, whichever comes first.
- F. The Conditions of Approval of this permit shall be included in the CC&Rs.
- G. The CC&Rs shall contain the following language:
  - 1. "Right to Remedy Failure to Maintain Common Area. In the event that there is a failure to maintain the Common Area so that owners, lessees, and their guests suffer, or will suffer, substantial diminution in the enjoyment, use, or property value of their Project, thereby impairing the health, safety and welfare of the residents in the Project, the City, by and through its duly authorized officers and employees, will have the right to enter upon the subject Property, and to commence and complete such work as is necessary to maintain said Common Area. The City will enter and repair only if, after giving the Association and Owners written notice of the failure to maintain the Common Area, they do not commence correction of such conditions in no more than thirty (30) days from the giving of the notice and proceed diligently to completion. All expenses incurred by the City shall be paid within thirty (30) days of written demand. Upon a failure to pay within said thirty (30) days, the City will have the right to impose a lien for the proportionate share of such costs against each Lot in the Project.

2. It is understood that by the provisions hereof, the City is not required to take any affirmative action, and any action undertaken by the City will be that which, in its sole discretion, it deems reasonable to protect the public health, safety and general welfare, and to enforce it and the regulations and ordinances and other laws.
  3. It is understood that action or inaction by the City, under the provisions hereof, will not constitute a waiver or relinquishment of any of its rights to seek redress for the violation of any of the provisions of these restrictions or any of the rules, regulations and ordinances of the City, or of other laws by way of a suit in law or equity in a court of competent jurisdiction or by other action.
  4. It is further understood that the remedies available to the City by the provision of this section or by reason of any other provisions of law will be cumulative and not exclusive of the maintenance of any other remedy. In this connection, it is understood and agreed that the failure to maintain the Common Area will be deemed to be a public nuisance and the City will have the right to abate said condition, assess the costs thereof, and cause the collection of said assessments to be made on the tax roll in the manner provided by appropriate provisions of the Sunnyvale Municipal Code or any other applicable law.
  5. No Waiver. No failure of the City of Sunnyvale to enforce any of the covenants or restrictions contained herein will in any event render them ineffective.
  6. Third-Party Beneficiary. The rights of the City of Sunnyvale pursuant to this Article will be the rights of an intended third party beneficiary of a contract, as provided in Section 1559 of the California Civil Code, except that there will be no right of Declarant, the Association, or any Owner(s) to rescind the contract involved so as to defeat such rights of the City of Sunnyvale.
  7. Hold Harmless. Declarant, Owners, and each successor in interest of Declarant and said Owners, hereby agree to save, defend and hold the City of Sunnyvale harmless from any and all liability for inverse condemnation which may result from, or be based upon, City's approval of the Development of the subject Property."
  8. Homeowners are prohibited from modifying drainage facilities and/or flow patterns without first obtaining permission from the City.
- 3. DESIGN/EXTERIOR COLORS AND MATERIALS**
- A. The plans shall be revised to be consistent with the Design Guidelines and development standards to provide the following:

1. Revise the guest parking area to provide one 13-foot wide parking space and an 8.5-foot wide parking space with adequate clearance for people to enter and exit a vehicle.
  2. Provide a bump out of the curb at the end of the private drive for better maneuverability exiting the guest parking spaces.
  3. All final exterior building materials and color scheme are subject to review and approval of the Director of Community Development prior to issuance of a building permit. Provide material samples and final color boards for the proposed building finishes.
  4. Shutters shall be of wood construction to be consistent with the other siding and exposed rafter design elements.
  5. Review with staff final material details and finishes for planters and accent features. Contrast of finish and color from main building stucco is required.
  6. Work with staff to modify the Maria Lane façade entryway proportions, framing and final selection of materials.
- B. Roof material shall be 50-year dimensional composition shingle or equivalent warranty material providing texture and shadow effect such as a flat tile.

**4. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall not be visible from the public street

**5. FEES**

- A. Pay traffic impact fee in place at time of issuance of building permits, estimated at a total of \$ 2,627.13. Complete payment is required at the time of issuance of the first unit's building permits.

**6. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Wherever there is a grade differential greater than 12 inches, a concrete or masonry retaining wall shall be installed. Such a wall shall not be designed to infringe on the root system of protected trees on adjoining properties. Post and pier perimeter boundary walls may be required to ensure the protection of existing trees on adjacent sites.

**7. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit.

- B. Landscaping and irrigation shall be installed prior to occupancy.
- C. Include decorative paving at driveway entry for a minimum of 15 feet.
- D. Provide separate meter for domestic and irrigation water systems.
- E. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- F. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- G. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. This requirement is in addition to tree planting requirements for the removal of protected trees.
- H. Any "protected trees", (as defined in SMC 19.94) approved for removal, shall be replaced with a specimen tree of at least 36-inch box size. The specimen trees are to be of a large species. Provide a planting schedule indicate type, size, and number of trees and shrubs included in the plan.
- I. Ground cover shall be planted so as to ensure full coverage eighteen months after installation. Select water conserving plant materials and indicate on planting schedule that at a minimum 70% of planting meet waterwise standards. (see city for reference manual if needed)

## **8. TREE PRESERVATION**

- A. Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, include the approved tree protection plan in the plan set.
- B. Trees on adjacent property that extend over the property line are to be included on the tree protection plan. Perimeter wall construction shall take protection of off site tree roots into design consideration.
- C. The tree protection plan shall be installed prior to issuance of any Building Permits, subject to the on-site inspection and approval by the City Arborist.
- D. The tree protection plan shall remain in place for the duration of construction.
- E. Overlay Civil plans including utility lines to ensure that the tree root system is not damaged by proposed utility services.

## **9. LIGHTING**

- A. Prior to issuance of a Building Permit submit an exterior lighting details, including fixture and pole designs, for approval by the Director of Community Development.

- B. All lighting intended for the private drive shall be restricted to providing shielding to direct light downward and away from the existing residences to the east.

**10. PARKING**

- A. All uncovered spaces shall be reserved as guest parking spaces and shall be so designated prior to occupancy.
- B. No uncovered parking space shall be offered for rent by the property owners or homeowners association.
- C. Garage spaces shall be maintained at all times so as to allow parking of two automobiles.
- D. Unenclosed storage of any vehicle intended for recreation purposes, including land conveyances, vessels and aircraft, but excluding attached camper bodies and motor homes not exceeding 18 feet in length, shall be prohibited on the premises.

**11. RECYCLING AND SOLID WASTE**

- A. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures and contained within the individual unit garages. Collection of refuse and recycling will require residents bring the containers to Maria Lane.

**12. UNDERGROUND UTILITIES**

- A. All existing and proposed utilities shall be undergrounded.

**13. TENTATIVE MAP CONDITIONS**

- A. Offer for dedication a one-foot strip of land along the frontage of Maria Lane for the purpose of street improvements.
- B. Full development fees shall be paid for each project parcel or lot shown on Final Tract Map and the fees shall be calculated in accordance with City Resolutions current at the time of payment.
- C. Comply with all applicable code requirements as noted in the Standard Development Requirements from the Public Works Department.
- D. All existing utility lines and /or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
- E. Individual utility service metering shall be provided to each unit.
- F. Obtain necessary permits from the Department of Public Works for all off-site improvements including utility line extensions, utility connections, meter locations, driveways, sidewalks, etc.

- G. Pay Park In-lieu fees totaling \$29,403 for the four units, prior to approval of the Final Map.
- H. Dedicate private streets as emergency vehicle ingress-egress easements.
- I. A Private street name will be provided per the City of Sunnyvale Street Name System, as selected by the Community Development Department. Otherwise the units will be addressed off of Maria Lane.
- J. At the expense of the subdivider, City staff shall install required street trees of a species determined by the Public Works Department. Obtain approval of a detailed landscape and irrigation plan from the Director of Community Development (SMC 19.38.070) prior to issuance of a Building Permit.
- K. Construct to city specifications, at the sole cost of the subdivider, a new sidewalk, curb, driveway approach, and gutter and street light as required for the subject sites frontage along Maria Lane.